THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 28-11-2005

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WRIT PETITION No.25258 of 2005

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Between:

Mr. K.Pydi Reddy . . .Petitioner

And

A.P.Transco, Hyderabad, and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.25258 of 2005

O R D E R:

The petitioner is now working as Divisional Engineer (Elecl), in the second respondent company at Visakhapatnam. Through orders, dated 25-08-2004, the first respondent promoted the petitioner and six others as Superintending Engineers.

The grievance of the petitioner is that though the order was passed more than one year ago, he was neither relieved from the existing place nor permitted to join the new place of posting. He seeks appropriate directions in this regard.

Sri S.Sharath Kumar, learned counsel for the petitioner, had invited the attention of this Court to various proceedings that have ensued in relation to the exercise of options and issuance of orders of posting to the petitioner and other similarly situated persons. Some proceedings are said to be pending in the Court at different stages. He contends that the reason for the respondents in not relieving the petitioner is that the petitioner was instrumental in espousing the cause in relation to the exercise of options and maintenance of seniority etc.

Sri G.Vidyasagar, learned counsel for the first respondent, on the other hand, submits that there is no justification for the petitioner in making an attempt to link the other aspects to an order of promotion simplicitor. He contends that it was on account of default on the part of the petitioner that he could not avail the benefit of promotion.

The petitioner seeks a Writ of Mandamus declaring the action of the respondents in not giving effect to the orders, dated 25-08-2004. The necessity for this Court to deal with the various contentions advanced on behalf of the petitioner is obviated for the simple reason that the learned counsel for the first respondent stated that the petitioner was never prevented from availing the benefit of order, dated 25-08-2004. The petitioner can be said to have any genuine grievance, if only the respondents created any impediment for him to avail the benefit of promotion. When the respondents are stating in clear terms that they abide by the orders of promotion, it is not necessary to record any finding touching on the same.

For the foregoing reasons, the writ petition is disposed of recording the submission of the learned counsel for the first respondent that they do not have any objection, if the petitioner is ready to avail the benefit of promotion as per the order, dated 25-08-2004, and leaving it open to the petitioner to join the new place of posting, duly getting himself relieved from the present place of working. The second respondent shall relieve the petitioner without any further delay, as soon as the petitioner submits the report or requests for that purpose.

It is further directed that in case any new place of joining is indicated in the meanwhile, the petitioner shall report to that place. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

28th NOVEMBER, 2005.

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